

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TOUSSAINT DENT,

Plaintiff,

v.

No.9:04-CV-1438
(Scullin, J.)

MARVIN RABINOWITZ, Dr., Mid-State
Correctional Facility; SUBBARAO RAMINENI,
Health Service Director, Mid-State
Correctional Facility; and LESTER WRIGHT,
COMMISSIONER OF Health Services,

Defendants.

APPEARANCES:

OF COUNSEL:

TOUSSAINT DENT
No.02-A-6252
Plaintiff, Pro se
Mid-State Correctional Facility
Post Office Box 2500
Marcy, New York 13403

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FREDERICK J. SCULLIN, JR., C.D.J.:

DECISION AND ORDER

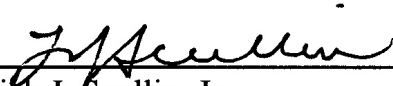
The above-captioned matter having been presented to me by
the Report-Recommendation of Magistrate Judge David R. Homer

filed January 31, 2006, and the Court having reviewed the Report-Recommendation and the entire file in this matter, and no objections to said Report-Recommendation having been filed, and it is hereby

ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed January 31, 2006 is **ACCEPTED** in its entirety, for the reasons stated therein; and it is further

ORDERED, that defendants' motion to dismiss will be **GRANTED** unless plaintiff files an amended complaint on or before March 1, 2006¹.

Dated: March 3, 2006
Syracuse, New York



Frederick J. Scullin, Jr.
Chief United States District Court Judge

¹

The Court notes that plaintiff has in fact filed an amended complaint prior to March 1, 2006.